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"FORTY ACRES AND A MULE."

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For several years after the close of the Civil War, the negroes of the South believed that the estates of the whites were to be confiscated by the Washington Government, and that each negro head of a family would obtain from the property thus confiscated "forty acres and a mule." Some old negroes still believe that the homestead and the mule will be given to them. This belief has often, especially in late years, been ridiculed as the childish dream of an ignorant people; for it is assumed that the negro had no reason for expecting land and stock from the Government. The purpose of this paper is to show that the expectations of the blacks were justified by the policies of the Government and the actions of its agents, and also to show that rascals took advantage of these expectations to swindle the ignorant freedmen.

The first step in the policy of confiscation was taken by Congress on August 6th, 1861, when the first Confiscation Act was passed. This law provided that property used in aid of the Confederacy should be liable to confiscation. Under this act, many slaves were captured and declared free. The Confiscation Act of July 17th, 1862, declared that all property of Confederates was liable to confiscation. Property not subject to confiscation under the law might be seized as "abandoned" or as "captured." The Treasury Department ruled that property was "abandoned" when the owner was away in the Confederate service. Any property seized by the army was classed as "captured," and was sold at once without the formality of legal proceedings. If the owner was unknown, the property was ordered to be sold for taxes, which were made a lien upon the land. In order to dispose of confiscated property, the South was divided into nine "Agencies,"

each under a Treasury agent, whose duty it was to collect and dispose of confiscated property. In this work they were aided by the negroes, who acted as guides and informers. The latter, both from hearing their masters talk about the policy of the Federals and from observation after invasion, were easily convinced that, if the struggle went against the South, the property of their masters would be seized, and many whites, North and South, believed the same. The Northern armies seized everything—even church property was generally taken, and the property of well-known “Unionists.” The church property was usually turned over to some Northern denomination or given to the negroes. The Southern Methodist Publishing House at Nashville was seized and operated by the Federal army, and finally given to the Freedmen’s Bureau. George S. Houston, a “Unionist,” later Governor of Alabama, lost his property by confiscation. Since the war, about \$30,000,000 has been paid by the Government to “Unionists” who had property confiscated; Confederate sympathizers recovered nothing. The greater part of the property taken before the end of the war consisted of movable goods, especially cotton, which was seized wherever found. The negroes gave valuable information to the Federals in the search for cotton.

The debates in Congress and the speeches made in political campaigns, show that many Northern people believed that wholesale confiscation and division of property ought to follow the close of the war. Thaddeus Stevens of Pennsylvania began early to agitate the question, advocating that the land be seized to pay the expenses of the war, to punish the Confederates, and to provide for “loyalists” and for the blacks. The white people of the South, Stevens said in 1863, were entitled to no rights of person or property; the United States should treat the former Southern States as “conquered provinces, settle them with new men, and exterminate or drive out the present rebels from the country.” In 1864, Stevens declared that “every inch of the guilty portion of the usurping power should be held responsible to reimburse all the cost of the war; to pay all the damage to private property of loyal men; and to create an ample fund to pay pensions to wounded soldiers and to the bereaved friends of the slain.” During the same year, Andrew Johnson, then Military Governor of Tennessee, in a public speech said that “treason must be made odious, and traitors must be punished and impov-

erished; their great plantations must be seized and divided into small portions and sold to honest, industrious men." These declarations soon became known to the blacks, the more intelligent of whom were always well informed on the important issues, either through their masters or by "grape-vine telegraph." Often such matters were known to the negroes before the Southern whites knew them. I have been assured by old negroes that a general topic of conversation in some negro "quarters" was the intention of the Federals to confiscate the lands and divide them among the blacks. They heard about this from the "big house" and from "word that was saunt in."

The Confiscation Acts of the Federal Congress were constantly referred to by the Confederates as showing what the policy of the North would be in case the South were conquered. Through fear of confiscation and division of lands, the Southerners were rallied to fresh exertion. The several Southern Legislatures and the Confederate Congress repeatedly mentioned this matter in addresses to the people. The last address of the Confederate Congress, in March, 1865, reminded the people that the penalty for failure would probably be confiscation of estates, which would be given to their former bondsmen.

Meanwhile, what was actually being done to convince the blacks that they were to be cared for at the expense of the Southern whites? As the Northern armies invaded the South, many negroes went within the Federal lines; and, after 1861, thousands of them had to be cared for. In every Southern State where the Federals had military posts, great camps of freedmen were formed, rations were issued, and supplies taken from the captured property were given to them. As far as possible, the refugee blacks were subsisted upon the substance of their former owners. The care of these helpless persons devolved first upon the army, later upon Treasury agents, then again upon the army, and again upon the Treasury agents. Neither the War Department nor the Treasury desired the responsibility. The agents of the Treasury and the officers detailed from the army, assisted by benevolent associations in the North, endeavored to organize the negro colonies and camps so as to make them somewhat self-supporting. Little was done before 1863 except to seize plantations and houses, in territory held by the Federal army, and turn them over along with much movable property to the use of the negroes.

After the Emancipation Proclamation was issued, a more determined effort was made to settle the negroes upon their masters' lands. In March, 1863, thousands of acres of cotton-lands along the coasts, and in the sea islands of South Carolina, Georgia and Florida, were confiscated and sold at auction. The land was divided into small plots of twenty to forty acres. Many negroes were purchasers, as long credit was given, and land worth forty to sixty dollars in 1860 was sold for a dollar and a quarter per acre. The white owners had all been driven away by the negroes and the Federals. In Louisiana, General Banks organized a little commonwealth of blacks on the community-plantation system. On the borders of Virginia and in Tennessee were similar bodies. In April, 1863, Adjutant-General Lorenzo Thomas, after consultation with Grant and Lincoln, announced that the Government had determined to locate a "loyal" population on the banks of the Mississippi from Kentucky to Grand Gulf, Mississippi, in order to protect commerce and navigation. Commissioners were appointed to seize the estates of Confederates and lease them for moderate rents to negroes, or to persons who would employ and care for negroes. The Government sold, rented, or gave to the lessees the stock, implements and supplies found on the plantations. This system worked badly; the white lessees were of bad character and swindled the negroes, while making fortunes for themselves; the mortality in the plantation camps was fearful; the few negro lessees failed because of ignorance.

During the next year, "Superintendents of Freedmen" were employed by the Treasury Department. It was their duty to locate negro colonies called "Freedmen's Home Colonies" on the confiscated estates of prominent Confederates, to issue supplies to them and to induce them to work a little to support themselves. "Home Colonies" were established in every Southern State, the largest ones being in Tennessee, South Carolina, Alabama, Mississippi and Florida. One colony was located on Jefferson Davis's plantation,* another on the estate of ex-Governor Chapman of

* The Davis plantation contained about 10,000 acres of fertile land; General Dana "consecrated it as a home for the emancipated," declaring in the order setting it apart for the blacks that it was "a suitable place to furnish means and security for the unfortunate race which he [Davis] was so instrumental in oppressing." It was now said that "the nest in which the rebellion was hatched has become the Mecca of freedom." Here, as elsewhere, where negroes were colonized, no whites were permitted to live. The colony was guarded by a regiment of negro troops.—See Garner, "Reconstruction in Mississippi," pp. 252, 253.

Alabama, and another on the Destrehan plantation of Judge Rost in Louisiana. The superintendents committed much fraud in their supervision of the blacks, and their régime was not successful; but, before the war closed, all negroes who had come into contact with the Federals were convinced that the Government meant to care for the blacks at the expense of the whites.

The most sweeping confiscations took place and the most important colonies were located along the coast and on the sea islands of South Carolina, Georgia and Florida. In 1863, in addition to about 15,000 acres which were sold to negroes, other large tracts were confiscated in the parishes of St. Helena and St. Luke in South Carolina, and in Georgia and Florida. When Sherman reached Savannah, in December, 1864, his army was encumbered by a multitude of negroes who had followed him in his march across Georgia. After State agents from the North had enlisted many of them to fill up the quotas of their States, there were still thousands who had to be provided for. Secretary Stanton and Adjutant-General Townsend came to Savannah; and, in consultation with General Sherman and a score of negro preachers, it was decided to form negro colonies on the coasts, where they could be protected by the United States forces. The negroes were unanimous in asking to be colonized away from the whites. So Sherman, with the knowledge and advice of Stanton, issued on January 16th, 1865, his famous "Special Field Order No. 15," which set aside for the settlements of negroes all the sea islands south of Charleston, the rice-fields along the rivers for thirty miles inland from the sea, and the country along the St. John River in Florida. In the territory thus set apart for negro settlements, no white persons were allowed to live; the management of affairs was to be left to the blacks. General Rufus Saxton was appointed inspector of negro settlements, and was authorized to grant, with a possessory title, forty acres of land to each family, in the possession of which the military authorities would protect them until Congress should regulate their titles.

Before the end of 1865, more than 40,000 freedmen were located on the sea islands by General Saxton, who called them together in public meetings, and encouraged emigration to the lands set apart for them. He reported that the movement was a great success. Thousands of acres were allotted to blacks; negro communities grew up; the government was carried on, churches and

schools were established and roads made, by the negroes under the supervision of army officials. A Government steamer carried supplies to them regularly. The white owners were not allowed to set foot on the islands, and one solitary white "Unionist" who had remained on his plantation during the war was now forced to leave under the terms of Sherman's order.

During the summer and fall of 1865, numbers of the owners of the coast and island plantations were pardoned by President Johnson. One effect of the pardon was to restore property rights, and consequently the land confiscated for the blacks by General Sherman and others was now to be returned to the owners, unless Congress should intervene. The owners at once demanded possession. The Freedmen's Bureau, now in charge of matters relating to negroes, refused to release the land, and asked Congress to confirm the titles of the blacks, who, encouraged by the Bureau agents, armed themselves and refused to allow any owner to return to his plantation. Meanwhile improvements were going to ruin, and the owners had no other homes. Repeated applications were made to Washington demanding restoration; Secretary Stanton and General Howard of the Freedmen's Bureau opposed it, asserting that the negroes had been led to expect permanent possession of the lands, and that to dispossess them would be an act of bad faith and would cause bitter disappointment. President Johnson, however, with more regard for legalities and less vindictive than in 1864, asserted that the effect of pardon was to restore all rights of property, and ordered restoration to those whom he had pardoned. But all recognized that the blacks were entitled to some consideration. So General Howard, Commissioner of the Bureau, went south to make a settlement.

Howard reached Charleston on October 19th, 1865, and two days later, accompanied by William Whaley, a representative of the planters, went to Edisto Island to explain matters to the freedmen. The latter, as well as the majority of the white people, North and South, believed that the intention of General Sherman and the Government had been to give them the land; and now they were confident that the Government would stand by them, and that a general confiscation would soon take place. The Freedmen's Bureau Act of March 3rd, 1865, had provided for the division of confiscated and "abandoned" lands among the blacks in forty-acre lots, and there were millions of acres classed as

"abandoned." Consequently, when Howard came, the blacks were confident that he would sustain them. More than two thousand met him at a church on the island, and were angry and overwhelmed at the news he brought. While their leaders were conferring with Howard and the representative of the planters, the rest of the blacks held a meeting in the church. Mournful songs were sung, prayers were offered and the preachers made touching addresses. They felt that the Government had deceived them, and a stormy outbreak was with difficulty averted. But the planters were reasonable, and Howard finally succeeded in making the negro leaders understand the situation. A compromise was patched up, and Howard decreed that no lands should be restored until the crops were gathered; no rents or damages were to be paid to the owners; "loyal" men or those who had been pardoned might then receive their lands, provided they gave homes and employment for the following year, at good wages, to all the negroes settled on their plantations, and did not oppose the establishment of schools for them; no unpardoned owners could have his land restored; and no negroes who had paid the Government for their land in 1863-1865 were to be dispossessed. Howard then went to Savannah and to Fernandina, where similar settlements were made. He then urged that Congress purchase these coast lands and give them to the freedmen.

It was not possible to carry the agreement fully into effect. The freedmen were in possession and in many localities refused to abide by the compromise and allow the whites to return. It was found that Bureau agents encouraged them in this attitude. The Act of March 3rd, 1865, had provided that the blacks should be protected in the use of their allotted lands for three years, and that meanwhile they might purchase the land at merely nominal prices. Under this law, the Bureau refused to allow the lands to be released to the owners. In the spring of 1866, efforts were made by General Tillson, of the Freedmen's Bureau in Georgia, to consolidate the grants made to the negroes and gather them together on a portion of each estate, restoring the remainder to the owner. The Freedmen's Bureau Act of July 16th, 1866, secured the negroes in the possession of lands actually purchased at the nominal rate of a dollar and a half per acre, and provided that no land settled upon by blacks under Sherman's order should be restored until the crops of 1866 were gathered.

The Bureau now declared the grants on the coasts and sea islands to be valid, and confirmed the blacks in the possession of all lands held by them in 1865. Later, when it was seen that the courts would probably restore the lands to the owners, the Bureau made it known that only those negroes who had possessory titles from the Government would be protected in possession of their twenty and forty-acre plots. It was found that very few negroes were settled on the land that their grants called for; many had no titles whatever or had lost them. Evictions then began; the Federal soldiers, late in 1866, were sent into some localities, and, having no great liking for the Bureau or for its wards, removed many of the latter in a summary fashion, causing much hardship. This was a grievous disappointment to the blacks.

In spite of the longing of the negroes to possess lands, those who retained their grants on the South Atlantic coast profited little by them. Deprived of the supervision of the whites, the negroes neglected their little crops and allowed their homes and industries to go to ruin, while they eked out a leisurely living by hunting; fishing and by killing the cattle that grazed on the salt marshes. The land has never again reached the production of 1860. The whole affair served mainly to irritate the whites and to disappoint the blacks.

So much for the plan of Sherman and its results. On a smaller scale, something similar had been done in the other Southern States. In the first flush of freedom at the close of the war, the negroes in the interior of the country, encouraged by the workings of the Freedmen's Bureau, believed that henceforth they were to be supported by the Government; that they would never be cold, or hungry or tired any more. In Alabama, General Swayne reported in 1866 that "freedmen were not uncommon who believed that work was no part of freedom." This belief lasted for months with those who lived in the vicinity of the Bureau "offices" and received the regular issues of rations and other supplies. Later, many of them were convinced that the Government would not support them, but that it contemplated a division of property among them. Most of them expected only the lands, houses and stock; and now arose in the interior country the definite expectation of "forty acres of land and a mule," or the equivalent in other property. Some few believed that, in addition, the white owner would be given as a slave.

In 1865, there was much foundation for the hopes of the negroes. The Confiscation Acts were still in force, and nearly all Southern property was by law liable to seizure. The Constitution provided that forfeiture could be made only after conviction and for the lifetime of the owner, but the negro and his friends knew or cared little about this restriction. The Bureau Act of 1865 legalized Sherman's Special Order, by providing that each negro might have forty acres at a low price on long credit; the Bureau Act of 1866 confirmed the sale of lands to negroes; General Howard, in May, 1865, ordered that no lands be restored to "disloyal" owners, and the military authorities were directed to receive no applications for restoration. In Virginia, a large amount of land was ready for sale under the Confiscation Acts; but, when the Bureau was established, in March, 1865, this land was turned over to that institution, and in June, the President directed that all Confederate property in possession of the military authorities be turned over to the Bureau. During the year 1865, the Bureau held 768,590 acres of land and 1,596 pieces of town property confiscated from individuals, besides an immense amount of property formerly belonging to the Confederacy. General Howard instructed his subordinate officials to scatter abroad among the negroes copies of the "homestead" law with its promise of free land, and this also aroused false hopes. The negro colonies were still held together and supported by the Government; and the Treasury agents, guided by negroes, were searching out and seizing cotton, tobacco and other produce, under the pretence that it had been subscribed to the Confederate Produce Loan. Even those who had failed to pay the tax-in-kind to the Confederacy now had to pay it to the rapacious Treasury agent, who turned over to his Government only a small part of his confiscations. The barns, storehouses, offices, dwellings, public buildings, court-houses, hospitals, prisons, armories, arsenals, ironworks, boats, mills, factories, and all kinds of supplies used by or intended for the use of the Confederacy were seized and, for the most part, after June 2d, 1865, were given for the use of the blacks. Church and school buildings belonging to the whites were given to the missionaries for the negroes. Property in the hands of the Bureau was sold or rented, and the proceeds applied to the support of the blacks or given directly to them. Naturally, the negroes thought that they were in permanent possession, and

the policy of the Bureau encouraged them in this belief. General Howard endeavored to nullify the effect of the President's pardon, by refusing to restore to the owners any land occupied by negroes; he directed that no eviction of negroes be allowed, and generally obstructed the restoration of land. The President ordered positively that property be restored to pardoned men, whereupon Howard asked Johnson to grant pardon only on condition that the pardoned party give to each slave family formerly belonging to him five to ten acres of land, or the equivalent in cash. Though property was gradually restored, the Bureau held quantities of it for several years: 768,590 acres in 1865; 272,231 acres in 1866; 215,024 acres in 1867; and 139,634 acres in 1868, besides many pieces of town property. Restoration was grudgingly performed; General Saxton, for instance, declared (for South Carolina, Georgia and Florida) that those who did not "announce" to the freedmen the fact of their freedom and "admit" it publicly to them would have their property seized and divided.

The speeches of Stevens and other radical leaders, in pamphlet form, along with the Bureau laws and regulations, the homestead laws and the Confiscation Acts, were sown thickly over the South; and the Bureau agents, the missionaries and the teachers, taking the cue from these, encouraged the belief in the "forty acres and a mule." The negroes were told that, since their labor had produced the property of the South, they ought at least to share it. Lincoln's second inaugural message suggests the same thought in regard to the origin of Southern property. Probably this belief that the property of the South was due to uncompensated negro labor was held by many Northerners and inclined them to favor a proposition to confiscate the land.*

Stevens, in a speech to his constituents at Lancaster, Pennsylvania, in the summer of 1865, declared that each negro family ought to receive forty acres of land, and that sufficient land should be secured by confiscating the estates of those Confederates who had owned over two hundred acres, and by seizing the lands belonging to the Southern States. Of State lands, Texas possessed about 110,000,000 acres, and the other Southern States

* In 1871 the Republican majority of the Ku-Klux committee stated that "the negroes heard and were inclined to believe [those reports] by their sense of justice which suggested that as their labor had produced the greater part of the property, they should have a portion. Hence the idea was widespread and common among them that each head of a family would have 'forty acres and a mule.'"—Ku-Klux Report, p. 217.

about 50,000,000 acres. In December, 1865, in Congress, Stevens again expressed himself in favor of giving homes to the negroes, and as time went on he was more and more strongly in favor of it. Wendell Phillips, in the "Anti-Slavery Standard," advocated the gift to each negro family of eighty acres of land or "forty acres and a furnished cottage." Other leaders favored confiscation from the whites and provision for the blacks; but, Stevens being the foremost advocate of the policy, his part is emphasized.

At first, the blacks expected an immediate distribution of property, but, when that did not take place, they unanimously decided that the division would take place at the end of the year 1865, either at Christmas or at New-Year's. In the mean time, while awaiting the allotment, thousands crowded into the towns near the army posts and Bureau stations, where congested conditions gave rise to vice and disease. All over the South, the assistant commissioners of the Bureau reported that, in expectation of support by the Government or of distribution of land and stock, the negroes were refusing to make contracts; none would contract beyond the end of the year; few worked steadily at day work in the mean time. This belief grew stronger in the fall and early winter, and the assistant commissioners and higher officials of the Bureau and the army made earnest efforts to disabuse the minds of the freedmen of this impression, but there is no evidence that the inferior officials pursued a like policy.

Andrews, a Northern traveller in the South, stated in the fall of 1865 that the negroes believed firmly in the division of property, and that this belief was causing idleness and discontent. Northern men were besieged by the negroes who wanted information. Andrews was asked: "When is de land goin' fur to be dewided?" Some negroes in South Carolina believed that they would be colonized on the coast, thus showing the influence of Sherman's plan, and in this belief large numbers set out to go to Charleston, Savannah, and other places near the "promised land." They believed that the whites were to be driven out of the low country, which was to be given up to the negroes. In the interior, as a rule, the freedmen believed that they were to be located on the home plantations. Andrews told of one old man who refused to leave home and celebrate freedom, as others were doing, because he feared that the division might take place

in his absence and "de home house might come to me, sah, in de dewision." While waiting for the distribution, the blacks who would not work, and who were not within reach of Bureau supplies, were forced to live by foraging. In the black districts, the corn, fruit, pigs, cows and poultry suffered from the "taking" propensities of the African who believed that he was using what would soon be his own anyway.

The policy of Johnson and the statements of the higher Bureau and army officers reassured most of the whites who had feared confiscation. Estates were gradually restored to the owners. The negroes clung to their old hope, but began to fear that they were being tricked. They had secured arms, and now some of the leaders threatened that, if the division did not occur, they would forcibly seize the land. Among the whites there was a widespread fear of insurrection when the black should be disappointed at New-Year's. Some of the Bureau officials also feared trouble. For defence, the whites organized patrols in each community, and the organizations that preceded the Ku-Klux movement were now formed—notably the "Black Cavalry." The Federal military authorities overlooked this reorganization of the white militia. In Virginia, when the blacks learned that their hopes were vain, they destroyed the fencing and other improvements. But in general they were not inclined to violence, and Christmas and New-Year's passed without the anticipated outbreak. The negroes then settled down somewhat, still hoping, however, for the "forty acres and the mule," now in the far future; ceasing to hope for immediate confiscation, they rather expected the Government to do something for them, to send them to homes in the West or to take them North, but there was now probably little thought that their masters' property would be divided among them.

But in the latter part of 1866 and early in 1867, when it was seen that Congress would probably be victorious over the President and that some form of negro suffrage would be imposed, hopes were again aroused by the activities of those who expected to use the negroes to get into office. The speeches of Stevens in regard to banishment of Confederates and confiscation for the benefit of the "loyal" and black men, and about negro suffrage for the purpose of securing perpetual ascendancy to the "party of the Union," were widely circulated. The tales of "Southern outrages" and the reported rebellious spirit of the ex-Confeder-

ates caused many Northern people to believe that some punishment ought to be inflicted. The negroes were led to believe that their friends in Congress were fighting for their rights, that is, for property and supplies for them. The Reconstruction Acts of March, 1867, which overthrew the "Johnson" State Governments, and provided for negro suffrage to be inaugurated under the superintendence of the army, was to the blacks a sign that they were coming to the long-expected confiscation. To thousands of them, the issue in the elections of 1867 and 1868 was freedom with land on one side, slavery and no property on the other. This feeling in an ignorant and helpless people was strengthened by the circulation in the South of a bill introduced in Congress by Stevens on March 19, 1867, providing for wholesale confiscation and division of lands. By the blacks this measure was considered a part of the Reconstruction, and from their leaders they had learned that Reconstruction was for their good alone. The bill provided for the confiscation of land owned by the Southern States—about 150,000,000 acres—and for the seizure of private property liable under the Confiscation Act of 1862. A commissioner was to be appointed in each Southern State to condemn property for sale or division, and from the land thus obtained each head of a negro family, male or female, and each adult male, was to get a homestead of forty acres. For ten years, this land was to be inalienable, and then an absolute title was to be granted. From the proceeds of the sales of confiscated property, each person who received a homestead was also to get fifty dollars for a building; and \$500,000,000 was to be set aside to pay pensions and to pay for the losses of "loyal" persons during the war. The bill further provided that no estate worth less than \$5,000 should be confiscated, unless the owner had been an "officer or employee" in the Confederate or State service during the war.

In support of this bill, Stevens said: "We have liberated the slaves. It is our duty to provide for them, and we have the right to take land for homes in order to do it." On the success of the measure depended, he declared, the happiness, respectability, and continued existence of the blacks. They were not capable of caring for themselves, he stated; the Freedmen's Bureau could not much longer protect them; the former slaveholders were hostile, and, if they were not protected, they would become extinct or there would be a civil war. Already, he said, they were

murdered with impunity, and "I doubt not that hundreds of thousands would annually be deposited in secret unknown graves." But if they were rendered independent by the gift of homesteads, the danger would be removed. "They have earned for their masters this very land and more," he said, "and divisions of the plantations into small farms would be good for the South anyway." Stevens was in earnest about the distribution of property, and announced that "to this issue [to punish the Southern whites by confiscation and to provide for the negroes] I desire to devote the small remnant of my life."

As a result of the agitation of the matter of homesteads for the negroes, the latter became a prey to swindlers who traded upon their hopes. They had much faith in Northern men, and sharpers came down and made collections, representing to the negroes that they would secure that land for them. A common method of swindling the negroes was to sell them little striped pegs about the size of the stakes used in the game of croquet. The negro was told that, if he would take four of those stakes and mark off forty acres on his former owner's plantation, the part inclosed by the stakes would then belong to him. An eye-witness has described the sale of stakes that took place in Sumter County, Alabama. The negroes had a political barbecue at Gainesville, and a man appeared with a bundle of red and blue stakes. He declared that he had been to Washington to get them from the Government, which had made them for the express purpose of marking off the "forty acres of land." The instructions given by the seller were to stick a peg at one corner of the desired lot, and then walk a certain distance and stick down another peg, then turn and at a certain distance place another, and so on. The seller advised the buyers not to encroach upon one another's lots in staking out the claim, and not to take a whole lot in wood land or in cleared land, but to select about half in each. The man with the stakes explained that the nominal charge he made—about a dollar a peg—was only for his expenses. The pegs were sold for less if the negro had not a dollar. This peg-selling swindle lasted intermittently for about ten years. The same community was rarely swindled twice, but, sooner or later, every negro settlement suffered. In Georgia especially, the pegs could be seen set up all over the country. Each of Grant's elections served to stimulate the swindlers and to encourage again the blacks who believed

that Grant sent the pegs out for distribution. General Howard was also credited with similar benevolent actions. The pegs were sometimes called "pre-emption rights." A pretended deed for land, given with one set of stakes, was in part as follows:

"Know all men by these presents, that a nought is a nought and a figure is a figure; all for the white man and none for the nigure. And whereas Moses lifted up the serpent in the wilderness, so also have I lifted this d——d old nigger out of four dollars and six bits. Amen! Selah!"

Politicians informed their black constituents who complained of delay that the intention of the Government was good, but that the trouble lay in the fact that they had no one at Washington to look after their interests. One man who hailed from Skowhegan, Maine, went to Congress from Alabama in 1868, because the negroes favored him above other carpetbaggers for his promises in regard to the "forty acres." In the campaigns of 1870, in Alabama, the "forty acres" was an issue with the negroes. The speakers told the blacks: "All this property you see here, these lands were cleared by you; you made all these fences; you dug all these ditches; you are the men they belong to." When the Curn committee was investigating the reason for Alabama's going Democratic in 1874, they were confronted at Opelika by a negro who demanded that something be done for him. In the recent campaign (1874) he had been promised an old mule, forty acres of land and some bacon, in return for voting the Republican ticket. All negroes, he said, had been promised the same. Another negro said that he had been promised "forty acres and an old gray horse." As much as possible, the Republican majorities of the committees of investigation sent South during the later years of Reconstruction endeavored to avoid this particular aspect of the negro problem.

In South Carolina, where Sherman's plan had so much influence and where the negroes were so numerous, the carpetbag State Government undertook to strengthen itself by promising lands to the homeless blacks. More than \$700,000 was appropriated for the purchase of lands and homes, but as usual it profited only the rascals. The officials who purchased the land pocketed most of the money. Some tracts of swampy and worn-out lands were purchased—in all worth about \$90,000 or \$100,000—on which about 100 persons, it is said, found homes. The rest of the money

—more than \$600,000—was distributed among the land commissioners and their friends.*

In the later years of Reconstruction, there was a variation in the tale told by the office-seeker in the black counties. The programme now announced was to place heavy taxes on property, especially in the Black Belt, so that the whites would have to leave; and then the land would fall into the hands of the negroes and the Northerners. When the taxpayers in South Carolina in 1870 were complaining about heavy taxation, Senator Beverly Nash, a noted negro politician, said in Columbia to a crowd of several thousand blacks:

“The reformers complain of taxes being too high. I tell you that they are not high enough. I want them taxed until they put these lands back where they belong, into the hands of those who worked for them. You toiled for them, you labored for them, and were sold to pay for them, and you ought to have them.”

Judge R. B. Carpenter, a Republican, testified that “that was the key-note of the whole stumping, from the seacoast to the mountains.”

Such were the conditions during Reconstruction. After the carpetbag and negro rule was overthrown, the negroes were no longer led by low politicians with tales of “forty acres and a mule,” but the credulous were preyed upon by a new species of sharper, one who travelled about the country with what he pretended were the claim papers of negroes entitled to land. From each negro on his list, he would collect a small “attorney’s fee,” sometimes for several years in succession, always pretending to be working for the negroes’ rights. Since this was illegal, it was done in a very quiet way, and the blacks were warned it would be fatal to their prospects if the matter became public. Naturally, they would say little about such a matter to their white neighbors, who had told them that they were foolish to expect anything from the Government; and, after being convinced that they had been swindled, pride would prevent confession and exposure. Many thousands of hard-earned dollars were thus collected from the more ignorant blacks, under the pretence that it was for attorneys’ fees. The collection is still to some extent being carried

* The land commissioner spent \$802,137.44.—Pike, “Prostrate State,” p. 152.

on, principally in remote communities; the educated negro and the city-dweller would rarely be approached by an "agent."

Another and more recent method of swindling, based on negro credulity, is the "slave-pension" scheme. A respectable member of Congress is induced to introduce a measure providing for pensions to ex-slaves. This he does "by request," and then forgets about it. But the damage has been done. Sharpers procure numerous copies of such bills, together with commendatory comments from newspapers and prominent men, and then descend upon the blacks for "attorneys' fees." The matter is made worse for the negroes, and easier for the swindlers, by the fact that a certain sentiment among Southern whites is favorable to pensioning the old negroes. One of the latest manifestations of the working of the "pension scheme" occurred in 1903, after Senator Hanna had "by request" introduced a slave-pension measure. Of course, he believed that the object of those who wanted the measure was good; just as certainly did he know that such a measure would not be seriously considered; but he introduced it and thought that the matter was ended. A camp of Confederate Veterans in Fort Worth, Texas, taking the measure in good faith, passed resolutions asking their representatives in Congress to support the bill. Other camps did the same. Here was good material for the purpose of the swindlers, and within a few weeks they were operating in the South. Arrests were made by State officials in Alabama, Mississippi, Louisiana, and North Carolina. The inference is, then, that the swindling was general.

By the methods detailed above the ignorant and helpless blacks have for forty years been victimized. Perhaps some have been swindled who were not ignorant and helpless; for the blacks had reason to expect something from the Government, and it required no more credulity to believe in the "forty acres and a mule" than to believe in the claims to "Trinity Church property," or the "fortunes in England," so extensively advertised.

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